

A CERTIFIED TRUE COPY

ATTEST

By Dana Stewart on Dec 22, 2009

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Dec 07, 2009

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: BUDEPRION XL MARKETING AND
SALES PRACTICES LITIGATION**

MDL No. 2107

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

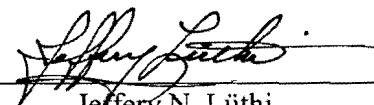
On December 2, 2009, the Panel transferred five civil actions to the United States District Court for the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___ F.Supp.2d ___ (J.P.M.L. 2009). With the consent of that court, all such actions have been assigned to the Honorable Berle M. Schiller.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Pennsylvania and assigned to Judge Schiller.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Pennsylvania for the reasons stated in the order of December 2, 2009, and, with the consent of that court, assigned to the Honorable Berle M. Schiller.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Dec 22, 2009

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

**IN RE: BUDEPRION XL MARKETING AND
SALES PRACTICES LITIGATION**

MDL No. 2107

SCHEUDLE CTO-1 - TAG-ALONG ACTIONS

DIST. DIV. C.A. # CASE CAPTION

OHIO SOUTHERN

OHS 2 09-795 Melissa Latvala, et al. v. Teva Pharmaceuticals USA, Inc., et al.

OKLAHOMA NORTHERN

OKN 4 09-649 Karen Brown Tims, et al. v. Teva Pharmaceuticals Industries, Ltd., et al.

WASHINGTON WESTERN

WAW 2 09-1640 Andrea Leighty v. Teva Pharmaceuticals Industries Ltd., et al.

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

David G. Trager
United States District Court
Eastern District of New York

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: (202) 502-2800
Fax: (202) 502-2888
<http://www.jpml.uscourts.gov>

December 22, 2009

Michael E. Kunz, Clerk
2609 James A. Byrne U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

Re: MDL No. 2107 -- IN RE: Budeprion XL Marketing and Sales Practices Litigation

(See Attached CTO-1)

Dear Mr. Kunz:

Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on December 7, 2009. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 14 days to give any party an opportunity to oppose the transfer. The 14-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A Panel Service list is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Dana L. Stewart
Dana L. Stewart
Deputy Clerk

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Berle M. Schiller

**IN RE: BUDEPRION XL MARKETING AND
SALES PRACTICES LITIGATION**

MDL No. 2107

PANEL SERVICE LIST (CTO-1)

Asim M. Bhansali
KEKER & VAN NEST
710 Sansome Street
San Francisco, CA 94111

C. Robert Boldt
KIRKLAND & ELLIS LLP
777 South Figueroa Street
Los Angeles, CA 90017-5800

Amy E. Bradley-Waters
STEIDLEY & NEAL
2448 East 81st Street
Suite 5300
Tulsa, OK 74137

James D. Goodpasture
34354 South 4350 Road
Adair, OK 74330

Ruben Honik
GOLOMB & HONIK PC
1515 Market Street
Suite 1100
Philadelphia, PA 19102

Allan Kanner
KANNER & WHITELEY LLC
701 Camp Street
New Orleans, LA 70130

Jack Landskroner
LANDSKRONER GRIECO MADDEN LTD
1360 West 9th Street
Suite 200
Cleveland, OH 44113

Kurt A. Mathas
WINSTON & STRAWN LLP
35 West Wacker Drive
Suite 4200
Chicago, IL 60601

John C. O'Quinn
KIRKLAND & ELLIS LLP
655 Fifteenth Street, NW
Suite 1200
Washington, DC 20005-5793

Teva Pharmaceutical
5 Basel Street
Petach, Tivka Israel 49131

Joseph P. Thomas
ULMER & BERNE LLP
600 Vine Street
Suite 2800
Cincinnati, OH 45202

Gillian L. Wade
MILSTEIN ADELMAN & KREGER LLP
2800 Donald Douglas Loop North
Santa Monica, CA 90405

A. Daniel Woska
A DANIEL WOSKA & ASSOCIATES PC
3037 N.W. 63rd Street
Suite 251
Oklahoma City, OK 73116

Wilfred K. Wright, Jr.
WRIGHT LAW
P.O. Box 982
Claremore, OK 74018

Nazik S.H. Youssef
BLANKENSHIP LAW FIRM
1201 Third Avenue
Suite 2880
Seattle, WA 98101